

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Applicant: William H. Symonds)	
)	
)	
U.S. Serial No. 10/519,738)	Confirmation No. 9233
)	
)	
Filing Date: December 28, 2004)	Art Unit: 1641
)	
)	Examiner: Foster, Christine E.
For: ASSAY FOR DETECTING AN ANALYTE)	
CONTAINING OR LABELLED WITH A)	
HAEM MOIETY)	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Election/Restriction Requirement mailed June 28, 2007, the Examiner required restriction of the above-identified patent application to one of the following groups of claims:

Group I - Claims 1-8 and 10-13, drawn to a method for detecting an analyte containing a haem moiety;

Group II – Claims 14-18, drawn to a kit for detecting an analyte in a sample;
and,

Group III – Claims 19-20, drawn to a method for detecting an analyte labelled with a haem moiety.

I hereby certify that this correspondence is being electronically filed with the United States Patent & Trademark Office on July 30, 2007 through its EFS-Web electronic filing system.

/fran young/

Fran Young

In response to the Restriction Requirement, applicant elects with traverse Group I (Claims 1-8 and 10-13), directed to a method for detecting an analyte containing a haem moiety.

Applicant respectfully submits that a corresponding special technical feature of Groups I, II and III is that all require “alkaline conditions sufficient to release haem moieties from the beads”. With regard to Group III, although the term “alkaline conditions” is not set forth in independent Claim 14, the claim specifies that the kit contains a working solution having a pH range of from pH 12.5 to 13.5, which is an alkaline condition sufficient to release haem moieties from the beads. As described on page 2, lines 20-30 of the present specification and specified in Claim 8, the preferred alkaline conditions are sufficient to release haem moieties, but not to extract inorganic iron from the beads. Therefore, applicant respectfully submits that a special technical feature exists for all three groups and requests rejoinder of Groups I, II and III.

Furthermore, applicant submits that Groups I and III contain identical method steps. In the claims of Group I, the analyte contains a haem moiety, whereas in the claims of Group III, the analyte is labelled with a haem moiety. Applicant submits therefore that the method in its entirety can be considered a corresponding technical feature of Groups I and III and thus, kindly requests rejoinder of Groups I (Claims 1-8, 10-13) and III (Claims 19-20).

No additional fees are believed due; however the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account number 11-0855.

If the Examiner believes any informalities remain in the application that may be corrected by Examiner's Amendment, or there are any other issues that can be resolved by telephone interview, a telephone call to the undersigned agent at (404) 815-6500 is respectfully solicited.

Respectfully submitted,

/zara doddridge/

By: Zara A. Doddridge, Ph.D.
Reg. No. 59,098

KILPATRICK STOCKTON LLP
Suite 2800
1100 Peachtree Street
Atlanta, Georgia 30309-4530
Telephone: 404-815-6473
Facsimile: 404-541-3435
Attorney Docket No. 41577-308355 (P1317)